IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 19TH SEPTEMBER 2007 / 28TH BHADRA 1929

WP(C).No. 26790 of 2007(L)

PETITIONERS:
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1. SUHARA UMMA, W/O. LATE UNNI HASSAN,
ANATHUMPOYIL, ERUMAMUNDA, MALAPPURAM DISTRICT.

2. SHAHEEDA M.T., D/O.LATE UNNI HASSAN,
ANATHUMPOYIL, ERUMAMUNDA, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR
SMT.M.T.SHEEBA

RESPONDENTS:
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1. THE SPECIAL SALE OFFICER,
THE ERNAD PRIMARY CO-OPERATIVE AGRICULTURAL &
RURAL DEVELOPMENT BANK LTD., KARUVAMBRAM, MANJERI,
MALAPPURAM DISTRICT.

2. THE ERNAD PRIMARY CO-OPERATIVE
AGRICULTURAL & RURAL DEVELOPMENT BANK LTD.,
KARUVAMBRAM, MANJERI, MALAPPURAM DISTRICT,
REPRESENTED BY ITS SECRETARY.

R1 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

R2 BY ADV. SRI.P.N.RAVINDRAN
SMT.PREETHY KARUNAKARAN
SMT.M.M.DEEPA
SRI.JAYKAR.K.S.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 26790 OF 2007 L

Dated this the 19th September, 2007

JUDGMENT

Case of the petitioner, in brief, is as follows:

Petitioners are the wife and daughter of one late M.T. Unni Hassan who had taken two loans in the name of the petitioners. Prayer of the petitioners is to grant the benefit of One Time Settlement Scheme and also to direct the respondents not to proceed further against the petitioners pursuant to Exts.P3 and P4 without issuing a Statement of Account and also extending the benefit of One Time Settlement Scheme to the petitioners to clear off the entire dues. It is averred in the Writ Petition, inter alia, that the petitioners on receipt of Exts.P1 and P2 notices, wanted to clear off the entire debt under the One Time Settlement Scheme and they have entered into a sale agreement and the date fixed for payment of the sale consideration and registration is on 15.12.2007 and the petitioners will pay the entire amount on or before 15.12.2007.

2. A Counter Affidavit has been filed on behalf of the second respondent. Therein, it is, inter alia, stated that the petitioners have not disclosed the true facts and the loans were taken by the husband of the first petitioner and the total amount due on the basis of the loans taken by the husband of the first petitioner and the petitioners altogether comes to approximately Rs.50 Lakhs.

3. Shri P.N. Ravindran, learned counsel for the respondent Bank submits that the Bank has no objection in granting time till 31st December, 2007 in order to enable the petitioners to pay off the loan amounts taken by the petitioners in full. He further submits that the petitioners are not entitled to the benefit of One Time Settlement after 30.6.2007. In the facts and circumstances of the case, I feel that time can be granted to the petitioners to pay off the loan amounts availed by them till 31.12.2007. As far as the loans availed by the late husband of the first petitioner and father of the second petitioner is concerned, it is open to the respondent Bank to proceed in the matter in accordance with

law. But, the proceedings against the petitioners for recovery of the amounts due towards the loans availed by them will be kept in abeyance till 31.12.2007. If they do not pay the amount due on or before 31.12.2007 as aforesaid, it will be open to the respondent Bank to proceed against them in accordance with law.

The Writ Petition is disposed of as above.

K. M. JOSEPH, JUDGE

kbk.